DOCUMENT RESUME

ED 295 392 EC 202 831

AUTHOR	Ballard, Joseph; And Others
TITLE	Public Law 94-142, Section 504, and Public Law 99-457: Understanding What They Are and Are Not. Revised.
INSTITUTION	Council for Exceptional Children, Reston, Va.
REPORT NO	ISBN-0-86586-097-1
PUB DATE	87
NOTE	17p.
AVAILABLE FROM	Council for Exceptional Children, Publication Sales, 1920 Association Dr., Reston, VA ($5.00 each, 1-9 copies; $25.00, 10 copies; $62.50, 50 copies).
PUB TYPE	Guides - Non-Classroom Use (055)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	Accessibility (for Disabled); Administration; Building Design; Civil Rights Legislation; Compliance (Legal); Confidentiality; Definitions; *Disabilities; Due Process; Early Childhood Education; Educational Finance; *Educational Legislation; Educational Planning; Elementary Secondary Education; Eligibility; Federal Aid; *Federal Legislation; Individualized Education Programs; *Legal Responsibility; Private Schools; Student Evaluation; *Student Rights
IDENTIFIERS	Early Intervention; *Education for All Handicapped Children Act; *Education of the Handicapped Act Amendments 1986; Rehabilitation Act 1973 (Section 504)

ABSTRACT

In a question-and-answer format, this guide discusses the provisions of three federal laws as they relate to educational services for the handicapped: Public Law 94-142, Public Law 99-457 and Section 504 of Public Law 93-112. The guide outlines: (1) who is eligible for services; (2) legal definitions of such terms as handicapped, learning-disabled, special education, related services, and least restrictive environment; (3) development of the individualized education program; (4) procedural safeguards; (5) assessment of students; (6) confidentiality of information; (7) rights of handicapped children in private schools; (8) fiscal issues concerning payment of the costs of these educational services and application of the federal funding formula; (9) management responsibilities as documented in the state plan and the local education agency applications; (10) enforcement of the legislation and sanctions for failure to comply; (11) architectural barriers; and (12) preschool and early intervention services mandated by Public Law 99-457. (JDD)

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Public Law 94-142, Section 504, and Public Law 99-457: Understanding What They Are and Are Not

Prepared by
Joseph Ballard,
Bruce Ramirez, and
Kathy Zantal-Wiener
Department of Governmental Relations
The Council for Exceptional Children

ISBN-0-86586-097-1

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What is Public Law 94-142?

Public Law (P.L.) 94-142, the Education for All Handicapped Children Act, is legislation passed by the United States Congress and signed into law by President Gerald R. Ford on November 29, 1975. The "94" indicates that this law was passed by the 94th Congress. The "142" indicates that this law was the 142nd law passed by the 94th Congress to be signed into law by the President.

What are the purposes of P.L. 94-142?

P.L. 94-142 can be said to have four major purposes:

- Guarantee the availability of special education programing to handicapped children and youth who require it.
- Assure fairness and appropriateness in decision making about providing special education to handicapped children and youth.
- Establish clear management and auditing requirements and procedures regarding special education at all levels of government.
- Financially assist the efforts of state and local government through the use of federal funds.

What is Section 504?

Section 504 is the basic civil rights provision with respect to terminating discrimination against America's handicapped citizens. Section 504 was enacted through the legislative vehicle of P.L. 93-112, the Vocational Rehabilitation Act Amendments of 1973. Although it is brief in actual language, its implications are far reaching. The statute reads:

> No otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. (29 U.S.C. 794)

To whom do P.L. 94-142 and Section 504 apply?

P.L. 94-142 applies to all handicapped children who require special education and related services, ages 3 to 21 inclusive. Section 504 applies to all handicapped Americans regardless of age. Section 504, therefore, applies to all handicapped children ages 3 to 21 with respect to their public education both from the standpoint of the guarantee of an appropriate special education and from the standpoint of sheer regular program accessibility. Close coordination has therefore been maintained between P.L. 94-142 provisions and regulations and the Section 504 regulations. P.L. 99-457, the Education of the Handicapped Act Amendments of 1986, establishes an optional state grant program for children birth through two years who are developmentally delayed, have conditions which may result in delay, or are at risk of substantial developmental delay. (A detailed description of P.L. 99-457 appears on page 12 of this document.)

What is the relationship of P.L. 94-142 to the older federal Education of the Handicapped Act?

P.L. 94-142 is a complete revision of only Part B of the Education of the Handicapped Act (EHA). Part B was formerly that portion of EHA addressing the basic state grant program. The other components of the Act (Parts A through H) were later revised by P.L. 98-199, The Education of the Handicapped Act Amendments of 1983 and by P.L. 99-457, the Education of the Handicapped Act Amendments of 1986. Parenthetically, all programs under the aegis of the EHA, including the P.L. 94-142 revision of Part B, are administered through the Office of Special Education Programs (OSEP) under the US Department of Education.

Was there a forerunner to P.L. 94-142?

Many of the major provisions of P.L. 94-142, such as the guarantee of due process procedures and the assurance of education in the least restrictive environment, were required in an earlier federal law, P.L. 93-380, the Education Amendments of 1974 (enacted August 21, 1974). P.L. 94-142 was enacted approximately one year and three months later, on November 29, 1975.

How are handicapped children defined for purposes of this Act?

Handicapped children are defined by the Act as

> mentally retarded, hard of hearing, deaf, orthopedically impaired, other health impaired, speech and language impaired, visually handicapped, seriously emotionally disturbed, or children with specific learning disabilities who, by reason thereof, require special education and related services. (20 U.S.C. 1401 [a][1])

This definition establishes a two-pronged criterion for determining child eligibility under the Act. The first is whether the child actually has one or more of the disabilities listed. The second is whether the child requires special education and related services. Not all children who have a disability require special education; many are able to and should attend school without any program modification.

What is the current federal definition of learning disabled children?

The Act defines "children with specific learning disabilities" as

> those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emo-

> tional disturbance, or environmental, cultural, or economic disadvantage. (20 U.S.C. 1401 [a][15])

It is most important to take note of the prohibition against environmental, cultural, or economic disadvantage—because of the wide ranging implications with respect to the larger population of children who are not handicapped, but may experience learning difficulties in school.

If a child has one or more of the disabilities listed in the preceding definition and also requires special education and related services, how does P.L. 94-142 define such special education?

Special education is defined in P.L. 94-142 as

> specially designed instruction, at no cost to parents or guardians, to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions. (20 U.S.C. 1401 [c][16)

The key phrase in the above definition is "specially designed instruction . . . to meet the unique needs of a handicapped child." Reemphasized, special education, according to statutory definition, is defined as being "special" and involving instruction that is designed and directed to meet the unique needs of a handicapped child. For many children, therefore, special education will not be the totality of their education. Furthermore, this definition clearly implies that special education proceeds from the basic goals and expected outcomes of general education. Thus, for example, intervention with a child does not occur because he or she is mentally retarded but because the child has a unique educational need that requires specially designed instruction.

How are related services defined in P.L. 94-142?

Equally important to understand is the concept of related services, which are defined in the Act as

> transportation, and such developmental, corrective, and other supportive services (including speech pathology and audiology, psychological services, physical and occupational therapy, recreation, and medical and counseling services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a handicapped child to benefit from special education, and includes the early identification and assessment of handicapping conditions in children. (20 U.S.C 1401[a][17])

The key phrase here is "as required to assist the handicapped child to benefit from special education." This leads to a clear progression: a child is handicapped because he or she requires special education and related services; special education is the specially designed instruction required to meet the child's unique needs; and related services are those additional services needed for the child to benefit from special education instruction.

Is the listing of related services in the statute inclusive?

No. Other services could be a related service under the Act if it is required for a handicapped child to benefit from special education. The courts, for example, have determined clean intermittent catheterization to be a related service.

Do state and local education agencies by themselves have to pay for all related services?

No. Numerous other public agencies can and should assist in paying for related services. Simply because education agencies have the responsibility for making an education available to all handicapped children does not mean that the education agencies themselves must bear the total cost for special education and related services.

RIGHTS AND PROTECTIONS

What is the fundamental requirement of P.L. 94-142, from which all other requirements of this Act stem?

P.L. 94-142 initially required that every state and its localities make available a free appropriate public education for all handicapped children, ages 3 to 18, by the beginning of the school year, September 1, 1978. It further mandated the availability of such education to all children, ages 3 to 21, by September 1, 1980.

Are there any exceptions to the mandate?

For youth in the 18 to 21 age range, this mandate does not apply if the requirement is inconsistent with state law or practice, or any court decree. Refer to regulations for further clarification of this provision and for a description of the documentation which must be submitted by the state to the US Secretary of Education when such an exception is sought.

For children ages 3 through 5 years, the timetable and other stipulations for achieving the full service mandate are contained in P.L. 99-457. (A detailed description of P.L. 99-457 begins on page 12 of this document.)

What do the Section 504 regulations say with respect to the guarantee of a free appropriate public education?

Section 504 makes essentially the same requirement. However, the 504 regulation says " . . . ***shall provide*** . . .," whereas P.L. 94-142 says ". . . a free appropriate public education will be available . . ." The 504 regulation does not refer to specific age groups per se. Instead, it refers to "public elementary and secondary education," and, therefore, the traditional school age population.

What is required with respect to preschool children and young adults under Section 504?

The 504 regulation appears simply to say that preschool and adult education programs will not discriminate on the basis of

handicap, and further that such program accessibility will take effect immediately.

Since Section 504 and P.L. 94-142 are making, in essence, the same fundamental requirement of a free, appropriate public education, are federal funds authorized under Section 504 as they are under P.L. 94-142?

No. Section 504 is a civil rights statute, like Title VI of the Civil Rights Act of 1965 (race) and Title IX of the Education Amendments of 1972 (sex) and, thus, contains no specific authorizations for funds.

Must there be compliance with the fundamental requirement of P.L. 94-142 if P.L. 94-142 is not "fully funded"?

It is most important to note that compliance with this baseline guarantee of the availability of a free, appropriate public education is in no way dependent on whether this Act receives appropriations at the highest authorized ceiling, or, in other words, is "fully funded." If a state accepts the money under this Act, it must comply with the aforementioned stipulation (regardless of the amount of the actual appropriation). If a state chooses not to participate under P.L. 94-142 then, of course, essentially the same compliance will still be required under Section 504.

What does "free" education, as required in both P.L. 94-142 and Section 504, mean?

"Free" means the provision of education and related services at no cost to the handicapped person, or to his or her parents or guardian, except for largely incidental fees such as those imposed for field trips or athletics. If a public education agency decides that a public or private residential program is appropriate, this type of placement, including nonmedical care and room and board, shall be provided at no cost to the person or his or her parents or guardian.

What does "appropriate" education mean?

"Appropriate" is not defined as such, but rather receives its definition for each child through the mechanism of the individualized education program (IEP) as required by P.L. 94-142. Therefore, the written IEP, as agreed to by all parties, becomes in fact the "appropriate" educational program for an individual handicapped child.

P.L. 94-142 requires that handicapped children receive a free appropriate public education in the "least restrictive" educational environment. What does this mean?

It is critical to note what this provision is *not*:

- It is not a provision for mainstreaming. In fact, the term is never used.
- It does not mandate that all handicapped children will be educated in the regular classroom.
- It does not abolish any particular educational environment (e.g., educational programing in a residential setting).

It is equally critical to note what this provision *does* mandate:

- Education with nonhandicapped children will be the governing objective "to the maximum extent appropriate."
- The individualized education program (IEP) will be the management tool toward achievement of the maximum least restrictive environment and therefore shall be applied within the framework of meeting the "unique needs" of each child.
- The IEP document(s) must clearly "show cause" if and when a child is moved from the least restrictive to a more restrictive environment. The statute states that the following component must be included in the written statement accompanying the IEP ". . . and the extent to which such child will be able to participate in regular educational programs . . ." (Note: the IEP is discussed on this and the next page.)

Correspondingly, what does the Section 504 regulation state with respect to least restrictive educational environment?

The language of the 504 regulation is, in most important respects, nearly identical to the least restrictive statute in P.L. 94-142. There remains one notable distinction, however. The 504 regulation includes the "nearest placement to home" as an additional determinant of instructional placement in the least restrictive environment.

What is the basic intent of the individualized education program?

The term " individualized education program" (IEP) conveys three important concepts. First, "individualized" means that the IEP must be addressed to the educational needs of a single child rather than a class or group of children. Second, "education" means that the IEP is limited to those elements of the child's education that are specifically special education and related services as defined by the Act. Third, "program" means that the IEP is a statement of what services will actually be provided to the child, as distinct from a plan that provides guidelines from which a program must subsequently be developed.

Who is involved in the development of the IEP?

The law requires that four persons be involved: the parents or guardians; the child's teacher or teachers; a representative of the local education agency or intermediate unit who is qualified to provide or supervise the provision of special education; and, whenever appropriate, the child. In IEP meetings conducted for handicapped children who have been evaluated for the first time, the P.L. 94-142 regulations require that a member of the assessment team or someone familiar with the procedures and results of the assessment must participate. If an additional service person will be providing related services, it makes sense that he or she be as involved as the teacher. Good practice further suggests that parents often want to bring an additional person familiar with the child to the meeting.

What are the basic components of the IEP?

The Act contains a specific definition describing the components of an IEP as:

> A) a statement of the present levels of educational performance of [the] child, (B) a statement of annual goals, including shortterm instructional objectives, (C) a statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs, (D) the projected date for initiation and anticipated duration of such services, and appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved. (20 U.S.C. 1401 (a) (19)

Is the IEP an instructional plan?

No. The IEP is a management tool that is designed to assure that, when a child requires special education, the special education designed for that child is appropriate to his or her special learning needs, and that the special education designed is actually delivered and monitored. An instructional plan reflects good educational practice by outlining the specifics necessary to specially intervene in instruction. Documenting instructional plans, however, is not mandated as part of the IEP requirements.

Who must be provided an IEP?

Each state and local education agency shall ensure that an IEP is provided for each handicapped child who is receiving or will receive special education, regardless of what institution or agency provides or will provide special education to the child.

1. The state education agency shall ensure that each local education agency establishes and implements an IEP for each handicapped child.
2. The state education agency shall require each public agency that provides special education or related services to a handicapped child to establish policies and procedures for developing, implementing, reviewing, maintaining, and evaluating an IEP for that child.

What does Section 504 say with respect to the IEP?

As previously discussed, P.L. 94-142 requires the development and maintenance of individualized written education programs for all handicapped children. The 504 regulation cites the IEP as "one means" of meeting the standard of a free appropriate public education.

What must local and intermediate education agencies do regarding IEPs?

- Each local education agency shall develop or revise (whichever is appropriate) an individualized education program for every handicapped child by the beginning of the school year, and shall review and (if appropriate) revise its provisions periodically but not less than annually.
- Each local education agency is responsible for initiating and conducting meetings for developing, reviewing, and revising a child's individualized education program.
- For a handicapped child who is not receiving special education, a meeting must be held within 30 days of a determination that the child is handicapped and in need of special education and related services.

Do the IEP requirements apply to children in private schools and facilities?

Yes. The state education agency shall ensure that an individualized education program is developed, maintained, and evaluated for each child placed in a private school by a public agency. Moreover, an IEP must also be maintained for each handicapped child who is enrolled in a parochial or other private school when such child receives special education and related services from a public agency.

The agency which places or refers a child shall further ensure that provision is made for a representative from the private school (which may be the child's teacher) to participate in each meeting. If the private school representative cannot attend a meeting, the agency shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

What procedures should education agencies follow to involve parents in the development of their child's IEP?

- Each local education agency shall take steps to ensure that one or both of the parents of the handicapped child are present at each meeting or are afforded the opportunity to participate, including scheduling the meeting at a mutually agreed-on time and place.
- If neither parent can attend, the local education agency shall use other methods to ensure parent participation, including individual or conference telephone calls.
- A meeting may be conducted without a parent in attendance if the local education agency is unable to convince the parents that they should attend. In this case the local education agency must have a record of its attempts to arrange a mutually agreed-on time and place such as:
  -Detailed records of telephone calls made or attempted and the results of those calls;
  -Copies of correspondence sent to the parents and any responses received;
  -Detailed records of visits made to the parents' home or place of employment and the results of those visits.
- The local education agency shall take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

Under P.L. 94-142, what happens if there is a failure to agree on what constitutes an appropriate education for a particular child?

States must guarantee procedural safeguard mechanisms for children and their parents or guardians. Those provisions of

previously existing law (P.L. 93-380, the Education Amendments of 1974) with respect to the guarantee of due process rights are further refined in P.L. 94-142, and their scope is substantially enlarged.

Basically, the state education agency must guarantee the maintenance of full due process procedures for all handicapped children within the state and their parents or guardians with respect to all matters of identification, evaluation, and educational placement whether it be the initiation or change of such placement, or the refusal to initiate or change.

The procedural safeguards which must be guaranteed include:

- An opportunity for the parents to examine all relevant records.
- Written prior notice to parents and parental consent when any action respecting special education is proposed.
- An opportunity for parents to submit formal complaints.
- The right to an impartial due process hearing.
- The right of parents to appeal any decision in the impartial due process hearing to the state education agency which must then conduct an impartial overview of the hearing and must render an independent decision. P.L. 99-372, The Handicapped Children's Protection Act of 1986, states that if parents retain an attorney to represent them in an administrative proceeding or court action, fees are recoverable if the parents prevail.

It should be noted that, when the parents or guardian of a child are unknown, or unavailable, or when the child is a legal ward of the state, the state education agency, local education agency, or intermediate education agency (as appropriate) must assign an individual to act as a surrogate for the child in all due process proceedings. Moreover, such assigned individual may not be an employee of the state education agency, local education agency, or intermediate educational unit involved in the education or care of the particular child. The reader is encouraged to read Section 615 of the Act (20 U.S.C. 1415) in its entirety.

Does the Section 504 regulation also require the maintenance of a procedural safeguards mechanism?

Yes. However, though most of the major principles of due process embodied in P.L. 94-142 are clearly present in Section 504 all of the stipulations of P.L. 94-142 are treated only as "one means" of due process compliance under Section 504.

What does P.L. 94-142 say with respect to discrimination in the assessment of children?

P.L. 94-142 prohibits assessment procedures with respect to the question of a handicapping condition when such assessment procedures are racially or culturally discriminatory. The statute does not provide a comprehensive procedure of remedy with respect to potential discrimination, but does make two clear and important stipulations with regard to assessment procedures and materials:

- Such materials and procedures shall be provided in the child's native language or mode of communication.
- No single procedure shall be the sole criterion for determining an appropriate educational program of a child.

The provision, therefore, in effect orders that assessment procedures be multifactored, multisourced, and carried out by qualified personnel. Moreover, the P.L. 94-142 regulations require assessments at least every 3 years. The regulations governing this provision should therefore be carefully reviewed, and may be found in Subpart E, #300.530 to #300.534.

What does the Section 504 regulation say with respect to the assessment of children?

The objectives of Section 504 and P.L. 94-142 are identical on this matter, and the regulatory requirements under both statutes are similar in most respects.

What does P.L. 94-142 say about the confidentiality of data and information?

P.L. 94-142 contains a provision that addresses the question of abuses and potential abuses in school-system record keeping with respect to handicapped children and their parents. The governing statutes for this provision are contained in the larger Family Educational Rights and Privacy Act (FERPA) (often referred to as the "Buckley Amendments" after the author, former US Senator James Buckley of New York). That measure sets forth both the access rights and privacy rights with respect to personal school records for all of the nation's children and youth, and their parents.

Though consistent with the Buckley Amendments the confidentiality requirements under P.L. 94-142 differ in some notable respects. For example the P.L. 94-142 requirements:

- Cover children, birth through age 21, including those youngsters yet to become "students."
- Apply to all agencies involved in child identification, location, evaluation, and education efforts.
- Call for parents to be informed when personally identifiable information is no longer needed to provide educational services.
- Specify that the child's age and type or severity of disability be considered in the transfer of privacy rights from a parent to an 18-year-old student.

Do handicapped children in private schools enjoy all of the rights and protection of P.L. 94-142?

- When such children are placed in a private school by a public agency, they must be afforded all of the rights and protections of P.L. 94-142.
- When they are not so placed by a public agency (e.g., parent placement in a parochial school) they are not afforded these rights and protections. However, programs supported by P.L. 94-142 must be so designed that handicapped children placed in private schools can participate if the parents of those children so desire. (Refer to Subpart D of the P.L. 94-142 regulations.)

What then, in summary, are the rights and protections of P.L. 94-142 (which, for the most part, are also affirmed in Section 504) that must be guaranteed?

P.L. 94-142 makes a number of critical stipulations that must be adhered to by both the state and its local and intermediate education agencies:

- Assurance of an effective policy guaranteeing the right of all handicapped children to a free, appropriate public education, at no cost to parents or guardian.
- Assurance of the availability of a free appropriate public education for all handicapped children.
- Assurance of the maintenance of an individualized education program for all handicapped children.
- A guarantee of complete due process procedures.
- The assurance of regular parent or guardian consultation.
- Assurance of a surrogate to act for any child when parents or guardians are either unknown or unavailable or when such child is a legal ward of the state.
- Assurance of special education being provided to all handicapped children in the "least restrictive" environment.
- Assurance of nondiscriminatory testing and evaluation.
- A guarantee of policies and procedures to protect the confidentiality of data and information.

An official, written document containing all of these assurances is required (in the form of an application) of every school district receiving its federal entitlement under P.L. 94-142. Correspondingly, such a public document also exists at the state level in the form of the state plan which must be submitted to the US Secretary of Education.

It must be reemphasized that these rights and protections do not apply only to children receiving their education within local school systems. These rights and protections apply to all handicapped children receiving an education under the auspices of any public agency, including those children placed in residential settings by a public agency.

FISCAL

Will the federal government contribute to paying the costs of achieving a free appropriate public education for all handicapped children?

P.L. 94-142 authorizes a payment formula based on 40% of the national average expenditure per public school child times the number of handicapped children receiving publicly financed special education and related services in each state in the nation.

NAPPE X 40% X NHC = A

NAPPE=National average per pupil expenditure
NHC=Number of handicapped children
A=Amount of federal funds authorized in each fiscal year

Can a handicapped child who receives only a "related service" be covered by and counted under P.L. 94-142?

If one carefully studies the definitions of *handicapped children, special education,* and *related services* as presented in this Act, it will be seen that no such situation can arise. The definition of "related services" is completely dependent for its existence on the definition of "special education," since a related service is provided so that a child can benefit from special education. Therefore, if a child does not need special education, there can be no "related services," and the child (because she/he is not "handicapped") is not covered under the Act.

Are the states guaranteed the amount generated by the formula?

No. As noted previously, regardless of the dollars generated under this formula, they are potential dollars only. The Congress must in fact appropriate within the authorization ceiling generated.

May a given state, deeming the dollars appropriated to be too low and the requirements of the Act too high, simply refuse to participate under P.L. 94-142?

Yes, but the state will then be faced with meeting the generally identical requirements of Section 504, which provision carries no fiscal support mechanism.

Are the dollars made available in the basic program of P.L. 94-142 the only federal dollars provided for the education of handicapped children?

No. Handicapped children enjoy educational support through numerous other federal programs, though P.L. 94-142 represents the largest single fiscal commitment. Examples of these other federal programs include:

- Discretionary programs authorized by the older Education of the Handicapped Act (EHA) (Parts C through H) which are also administered by the Office of Special Education Programs, US Department of Education, such as the early childhood model programs, the regional resource centers, and the secondary and transition demonstration programs, research and information clearinghouse.
- The program of supplemental educational support for handicapped children in state operated or supported facilities, known commonly as the "89-313" program.
- The special set-aside of money for handicapped youth in the federal vocational education program.
- The special set-aside of the enrollment opportunities for handicapped children in the Head Start program.

One also must bear in mind that there are numerous federal education programs from which all children, including handicapped children, benefit either directly or indirectly. Examples of these federal programs are:

- Chapter I of the Education Consolidation and Improvement Act, supplemental education support with an economic disadvantage target base.

- The federal impact aid program.
- The library services and construction programs.
- Chapter II of the Education Consolidation and Improvement Act, the education block grant to the states.

Are school systems restricted to using only the combination of federal, state, and local education dollars only in meeting the special education and related services requirements of P.L. 94-142?

No. Numerous other public and private sources at all levels of government can and should be tapped—especially in the provision of related services.

Is there a limit on the number of children who may be counted for purposes of the federal funding formula?

P.L. 94-142 addresses the potential threat of "overcounting" children as handicapped in order to generate the largest possible federal allocation. The measure requires that the total number of school-age children should not be greater than that number which equals 12% of the total school age population of the state between the ages of 5 and 17, inclusive. This limitation does not apply to children birth through five and 18 through 21 years of age. It must be emphasized that this limitation relates to the federal entitlement only, and in no way places a limitation on the number of children assessed as handicapped by the states and their localities for their own purposes. Furthermore, this limitation has no relation to the mandates for serving all handicapped children contained in this Act.

Does this mean that one can only count children served when they are between the ages of 5 and 17?

No. One may count all children served ages 3 to 21, inclusive.

To whom does the limitation apply?

The limitation applies only to the state. The law does not require that this limitation apply to the instate distribution of P.L. 94-142 funds; in other words, it does not require the counting limitation for the local school districts participating under the Act.

Can a handicapped child whose special education is being provided totally by the federal government be counted for purposes of the P.L. 94-142 formula?

The governing principle is this: A child may only be counted if his or her special education and related services are provided by state and local public agencies. Therefore, children whose special education is paid for solely by the federal government, such as American Indian children served by Bureau of Indian Affairs schools, as well as children on military bases served by Section 6 schools, cannot be counted for purposes of the formula. There is one exception: If such children are in the age groups of 3 through 5 and 18 through 21, they may be counted if there are no local or state funds available for nonhandicapped children in that age group.

Can a handicapped child in a parochial school be counted for purposes of the P.L. 94-142 formula?

Yes, providing his or her special education and related services are paid for totally by state and/or local public agencies.

What is the intrastate funding arrangement?

P.L. 94-142 contains a substantial pass-through to the local school districts. Since 1979, a state must flow at least 75% of its grant to the local and intermediate education units. The remaining 25% (set-aside) can be reserved for use and allocation by the state education agency.

May the state education agency reserve money for administrative purposes?

Under this Act the state education agency is permitted in any given year to reserve to itself from the total allotment to the state 5% or $350,000, whichever is greater, to support its administrative responsibilities. This administrative reserve must be taken from the overall state education agency allotment of 25%.

Is special consideration given to American Indian handicapped children on the reservations served by the Bureau of Indian Affairs?

Not more than 1.25% of the funds under this program may be reserved for the special education of handicapped children on reservations in elementary and secondary schools operated by the Department of the Interior, Bureau of Indian Affairs. The Department of the Interior has both state plan and local application responsibilities because of the unique character of this educational jurisdiction.

When are children counted for purposes of the federal funding formula?

The number of handicapped children receiving special education and related services in a state is determined by a count of such children on December 1 of the fiscal year preceding the fiscal year in which the appropriation will be expended.

Who may benefit from the monies under the Act?

P.L. 94-142 stipulates that all handicapped children as defined in the Act ages birth to 21 years may enjoy the special education and related services provided through this measure.

Is there a prohibition against replacing state and local dollars with federal dollars?

In the use of the federal dollars generated under this formula, both the state agency and the local education agencies must maintain their own expenditure levels. In other words, they may not supplant state and local dollars with federal dollars.

However, if the state agency provides convincing evidence to the US Secretary of Education that the state is making available a free, appropriate public education to all handi-

capped children within the state, and if the Secretary certifies that declaration, then the Secretary may waive the nonsupplanting provision in whole or in part.

How may the local school districts spend their P.L. 94-142 dollars?

P.L. 94-142 provides that federal monies must be spent only for the "excess cost" of educating handicapped children. A given school district must determine its average annual per pupil expenditure for all children being served, and then apply the federal dollars only as additional dollars for handicapped children beyond the average annual per pupil expenditure. Thus, the school district must demonstrate that it is spending at least the average annual per pupil expenditure on each of its handicapped children. No handicapped child may be educated totally with federal dollars, since the "excess cost" provision prohibits such a financial arrangement.

How may the state education agencies spend their P.L. 94-142 dollars?

The state education agencies are not subject to the "excess cost" constraint and have considerable latitude in expenditure of their portion of the overall entitlement, with permission to spend for both "direct and support" services. Expenditure for "direct" services means the actual programmatic provision of special education and related services to handicapped children. Examples of expenditures for "support" services would be the inservice training of personnel, recruitment and training of surrogate parents and hearing officials, and statewide programs of ongoing child find. The state education agency may also pay for administrative costs.

Is there a special incentive for the development of early intervention and preschool programs?

Yes, important provisions in the area of early childhood education were enacted in 1986. See the description of P.L. 99-457 which appears at the end of this document.

MANAGEMENT

What are the overall management responsibilities established by P.L. 94-142?

P.L. 94-142 is administered through a series of interlocking responsibilities among local education agencies, state education agencies, and the US Secretary of Education.

Two documents are at the core of this administrative interaction: the state plan and the local education agency application. The Secretary may not allocate funds under this Act to a state until he/she has approved the state plan. Correspondingly, the state education agency may not allow a local education agency's entitlement to flow through to the locality until it has approved the local application. Both the state plan and the local applications are composed of three major ingredients: certain assurances, a detailing of certain procedures, and a detailed resource plan.

1. Certain assurances: Both the state plan and the local applications, must, for instance, include a guarantee of all of the rights and protections for children and their parents or guardians as discussed previously in this document.
2. A detailing of certain procedures: The state plan must, for instance, include a comprehensive blueprint for personnel development and procedures for active, ongoing child find. The local applications must likewise demonstrate how they are going to achieve such basic requirements.
3. A detailed resource plan: Finally, the state plan, and to the degree appropriate—the local applications—must include a description of the kind and number of facilities, personnel, and services required to reach and maintain full service for all handicapped children.

Since 1980, state plans are reviewed on a three-year basis rather than annually.

Are the state plan and the local applications public documents?

Yes, and both must be made available to parents and other interested parties upon request. Furthermore, any substantive revisions to the state plan must be made available to the general public at least 30 days before submission to the US Secretary of Education. Any comments received must be responded to by the state education agency.

Is there a personnel development requirement in P.L. 94-142?

Yes. As previously noted in "a detailing of certain procedures," P.L. 94-142 requires that the states and the local school districts develop and implement a comprehensive system of personnel development toward the achievement of full educational opportunity for all handicapped children. This personnel system is to provide for inservice training, qualified personnel, dissemination of significant information, and the adoption of promising practices. Readers are encouraged to study section #300.380 through #300.387 of the P.L. 94-142 regulations.

May P.L. 94-142 dollars be used for personnel development?

Yes, but for inservice training only; expenditure for preservice training is prohibited.

Are there other federal dollars available for special education personnel development?

Yes. Part D of the federal Education of the Handicapped Act (P.L. 94-142 is Part B of that Act) authorizes an ongoing program for personnel development, primarily for preservice with limited inservice under the State Education Agency component of the program.

Does P.L. 94-142 require efforts to locate handicapped children who require special education?

Yes. As previously noted in "a detailing of certain procedures," P.L. 94-142 requires the states and the local school

districts to engage in active, ongoing child find within the age range of birth through 21. Section 504 carries an identical stipulation.

Are conditions attached to the local pass-through of funds?

Though P.L. 94-142 authorizes a substantial local entitlement, there are numerous "strings attached." The state education agency must refuse to pass through federal monies generated when:

- The school district does not conform to the overall state plan requirements contained in this Act and in existing law (such as "full service" goal, confidentiality, etc.).
- The school district fails to meet the local application requirements.
- The state deems the local district unable to make effective use of its entitlement unless it consolidates its entitlement with the entitlement of one or more other school districts.
- The program for handicapped children within the school district is of insufficient size and scope.
- The school district is adequately providing a free appropriate public education for all handicapped children with state and local funds. (This provision is permissive. The state education agency does not have to do so.)
- The state determines that one or more children in a local school district can best be served by a regional or state center.

Furthermore, P.L. 94-142 establishes a minimum floor for purposes of allocation. If a school district, after counting all of its handicapped children served, cannot generate an allocation for itself of at least $7,500, a pass-through to that school district does not occur. This provision is, of course, also aimed at encouraging various sorts of special education consortia in order to make meaningful use of the federal dollars.

May a local education agency refuse to submit a local application and therefore circumvent guaranteeing the rights and protections of the Act?

Yes, but as a result it becomes the state's responsibility to assure these rights and protections for the handicapped school children of the said district. Subsequently, such a local school district also remains subject to compliance with Section 504.

What is an intermediate education unit?

Provision is made in the Act for a type of educational unit larger than the local education agency. An intermediate education unit is defined as a public authority established by state law to provide free public education on a regional basis to handicapped children.

Such an intermediate education unit, when so determined by the state education agency, may have all of the rights and responsibilities of a local education agency under this Act and may receive funds under the Act.

For the purposes of P.L. 94-142, what is the relation of the state education agency to other state agencies?

P.L. 94-142 requires that the state education agency be responsible for ensuring that all requirements of the Act are carried out. Moreover, all education programs within the state for all handicapped children, including such programs administered by any other state or local agency, must meet state education agency standards and be under the general supervision of the state education agency. This provision establishes a single line of responsibility within one state agency for the education of all handicapped children within each state.

What is the basic relationship between P.L. 94-142 and P.L. 89-313?

Children counted for purposes of allocation of funds under P.L. 94-142 may not concurrently be counted under the formula for P.L. 89-313, the program of supplemental educational services for handicapped children in state-operated or state-supported facilities authorized under Chapter 1 of the Education Consolidation and Improvement Act of 1981. However, monies under P.L. 94-142 and monies under P.L. 89-313 may be programmatically mingled where the target populations of these two authorities intersect.

Regardless of whether the children counted under P.L. 89-313 enjoy the fiscal benefits of P.L. 94-142, all of the rights and protections of P.L. 94-142 must apply to these children as well.

Does P.L. 94-142 require advisory panels?

P.L. 94-142 mandates that each state shall have an advisory panel to be appointed by the Governor or any other official authorized under state law to make such appointments. This panel must be composed of individuals involved in or concerned with the education of handicapped children, including handicapped individuals, teachers, parents or guardians of handicapped children, state and local education officials, and administrators of programs for handicapped children.

The panel shall have the following duties:

- Advise the state education agency on unmet needs relative to the education of all handicapped children within the state.
- Comment publicly on the state plan and rules and regulations issued by the state as well as procedures proposed by the state for distribution of funds.
- Assist the state in developing and reporting such data and evaluations as may assist the US Secretary of Education.

How is P.L. 94-142 enforced?

Essentially, the US Secretary of Education must engage in whatever monitoring and evaluation procedures may be required to achieve enforcement state by state. The state education agency, in turn, is required to do the same with respect to its local and intermediate education agencies. Complaint procedures are also required under the Act. Enforcement however depends heavily on the vigilance of parents and other advocates.

Are there sanctions for failure to comply with P.L. 94-142?

The state education agency must withhold the allocation to a local education agency if it does not conform to its own local application. Correspondingly, the US Secretary of Education must withhold funds from the state education agency if that agency is in substantial noncompliance with its own state plan. Moreover, the Secretary may order the state education agency to withhold the allocation to a local education agency (LEA) if the Secretary evidences substantial noncompliance by that LEA. (Refer to Section 616 of the Act in its entirety.)

Are there sanctions for failure to comply with Section 504?

Yes. The US Secretary of Education has the authority to withhold federal education funds going to a state or a locality when the Secretary makes a judgment of noncompliance with Section 504. Correspondingly, the state or locality has the right to appeal this action by the Secretary.

Must efforts be made to employ handicapped individuals?

Both the state education agency and the local education agencies receiving funds under this Act must make positive efforts to employ and advance in employment qualified handicapped individuals.

Does P.L. 94-142 address the issue of architectural barriers within school facilities?

P.L. 94-142 authorizes such sums as may be necessary for the US Secretary of Education to award grants to SEA's to pay all or part of the cost of altering existing buildings and equipment to eliminate architectural barriers in educational facilities. Such provision is aimed at assuring certain handicapped children an appropriate public education in the least restrictive environment. As in the case of the Preschool Incentive Grant Program, however, the actual money for this component must be separately appropriated by the Congress.

What does the Section 504 regulation say with respect to architectural barriers in school systems?

One of the principal objectives of Section 504 is termination of discriminatory program inaccessibility for handicapped children in the public schools—handicapped children in both regular and special education programs.

A crucial distinction must be made here: Section 504 does not order totally architecturally barrier-free school facilities. Section 504 does order full program accessibility. Therefore, as of June 1, 1977:

- All new facilities must be constructed so as to be readily accessible and usable from a program standpoint by all handicapped children.
- Although every existing facility need not be totally physically accessible, there must be an assurance that programs conducted in those facilities are made accessible.
- While flexibility is allowed in choosing methods that in fact make programs in existing facilities accessible, structural changes in such facilities must be undertaken if no other means of assuring program accessibility is available. (Refer to entire Subpart C of the 504 regulations).

Does P.L. 94-142 contain data gathering requirements?

The US Secretary of Education is required to provide to the Congress and the public at least annually—and is required to update annually—data and information on the educational status of the nation's handicapped children, such as the number of children served within each disability, the settings in which the children receive services, and the kinds and number of educational personnel employed and needed.

What national evaluations are mandated by P.L. 94-142?

The US Secretary of Education must evaluate the impact of this Act on an annual basis and provide a full report to the Congress not later than 120 days after the close of each fiscal year. The annual report shall include the following information:

- Analysis of data collected on the number of handicapped children served and available and needed personnel.
- An analysis and evaluation of the effectiveness of procedures undertaken to assure that handicapped children receive special education and related services in the least restrictive environment commensurate with their needs.
- Description of the findings and determinations of state monitoring reviews.
- Analysis of the participation of handicapped children and youth in vocational education programs.
- Recommendations for changes in P.L. 94-142 and any other federal law providing support for the education of handicapped children and youth.

How long will P.L. 94-142 be in force?

P.L. 94-142 has the rather unique characteristic of being a permanent statutory authority with no expiration date.

REFERENCES

For specific statutory or regulatory requirements the reader should refer to the following references:

Part B (P.L. 94-142) of the Education of the Handicapped Act—Title 20 of the *United States Code*, Sections 1400-1420.

Part B (P.L. 94-142) Regulations—Title 34 of the *Code of Federal Regulations*, Sections 300.1-300.754 and Appendix C-IEP Notice of Interpretation.

Section 504 Regulations—Title 34 of the *Code of Federal Regulations*, Sections 104.1-104.61 and Appendix A-Analysis of Final Regulations.

P.L. 99-457—Education of the Handicapped Act Amendments of 1986

On October 8, 1986, President Ronald Reagan signed P.L. 99-457. This new law brought about significant changes for handicapped children and youth. Several parts of P.L. 94-142 are amended by P.L. 99-457.

How did P.L. 99-457 amend P.L. 94-142 and P.L. 98-199?

The major amendments are:

- All the rights and protections of P.L. 94-142 (EHA, Part B) are extended to handicapped children ages 3 through 5 years in school year 1990-91. To support the achievement of this objective, the prior Preschool Incentive Grant program (P.L. 94-142, Sec. 619) is revised to reflect authorization of a dramatic increase in the federal fiscal contribution for this age group.
- A new state grant program for handicapped infants and toddlers (ages birth through two years) is established for the purpose of providing early intervention services for all eligible children as defined by the legislation. This program appears as a new Part H of the existing Education of the Handicapped Act (EHA).
- The proven components of the EHA, Part C, early education authority are retained and refined to maximize support toward achieving the objectives of the new early intervention and preschool initiatives.

PRESCHOOL

Are states mandated to provide services to children ages 3 through 5?

By school year 1990-91, all states applying for P.L. 94-142 funds will have to assure that they are providing a free appropriate public education to all handicapped children ages 3 through 5. Failure to comply will mean the loss of the following:

- The new Preschool Grant.
- Monies generated under the larger P.L. 94-142 formula by the 3 through 5 population served.
- Grants and contracts exclusively related to preschool special education authorized under the EHA discretionary programs, Parts C through H.

What types of services must be provided to children ages 3 through 5?

The services will be administered through the state education agency and local education agencies. However, SEA's and LEA's may contract with other programs, agencies, and providers in order to provide a range of service models. The committee report affirms variations in length of school day and range and variety of preschool programs, examples being part-day home-based, and part or full-day center-based. The report also states that family services play an important role in preschool programs and that whenever appropriate and to the extent desired by the parents, the preschooler's individualized education program (IEP) will include instruction for parents.

Are child count requirements similar to those in P.L. 94-142?

States are not required to report children served ages 3 through 5 by disability category. Thus the states are not required to categorically label these children because of the data collection requirements of EHA, Sec 618.

How are funds to be distributed to the States?

The federal authorization levels for 1987 to 1990 are: (track a) $300 for each 3- through 5-year-old handicapped child served in the previous school year; and (track b) a maximum of $3,800 for each 3- through 5-year-old the state intends to serve in the coming year beyond the previous year's count.

The basic amount authorized under track a escalates:

FY 87 (school year 87-88)	$300 per child
FY 88 (school year 88-89)	$400 per child
FY 89 (school year 89-90)	$500 per child
FY 90 (school year 90-91)	$1,000 per child
	(track b for unserved ends)
Thereafter	$1,000 per child

In each year, children counted as unserved (track b) are only those beyond the previous year's count. Children counted in the first year under track b would generate funds under track a in the second year.

Example:

1st year State A serves 1,000 3- through 5-year-olds this year and reports it will serve 250 more in first year. Under the formula State A receives:

1,000 x $300	= $	300,000
250 x $3,800	= $	950,000
1,250 Total		$ 1,250,000

2nd year State A serves 1,250 3-through 5-year-olds in the first year. It reports it will serve 250 more in second year. Under the formula State A receives:

1,250 x $400	= $	500,000
250 x $3,800	= $	950,000
1,500 Total		$ 1,450,000

3rd year Serves 1,500 3- through 5-year-olds in the second

year. It reports it will serve 250 more in third year. Under the formula State A receives:

1,500 x $500	=	$ 750,000
250 x $3,800	=	$ 950,000
1,750 Total		$ 1,700,000

4th year State A serves 1,750 3- through 5-year-olds in the third year. It must be serving all children by then. Under the formula State A receives:

1,750 x $1,000 = $ 1,750,000

The full service mandate is delayed for one year until school year 1991-92 if:

- Federal appropriations for this program for FY '87, '88, and '89 do not total $656 million (projected full funding); *and*
- The federal appropriation for FY '90 is less than $306 million ($900 per child)

What is the intrastate funding arrangement?

- The in-state distribution of federal funds under this new Preschool Grant is:

FY '87
5% SEA Administration
25% SEA Discretion
70% LEA's and IEU's (IEU—Intermediate Educational Unit)

FY '88 and beyond
5% SEA Administration
20% SEA Discretion
75% LEA's and IEU's

EARLY INTERVENTION

What children are eligible for early intervention services?

The legislation defines the eligible population as all children from birth through two years of age who are developmentally delayed (criteria to be determined by each state), or with conditions that typically result in delay, or (at state discretion) are at risk of substantial developmental delay.

How will funds be allocated to the state?

Funds under this program will be allocated to the states based upon their relative number of children birth through two years, i.e., a census-based allocation and not an allocation based upon numbers of children served. Fifty (50) million dollars is authorized for fiscal year 1987, $75 million for fiscal year 1988, and "such sums as may be necessary" for the following years.

How can states receive a grant?

To receive a grant for the:

First Two Years: The Governor must designate a lead agency (there is state discretion respecting which agency is designated) for overall administration of the program. The Governor must also establish an Interagency Coordinating Council composed of relevant agencies, consumers, and providers. This Council is to assist in the development and implementation of the state applications, as well as assist in interagency agreements and the identification of resources, and is to otherwise advise the state. The Council may also serve as the lead agency.

Third Year: The state must demonstrate that it has adopted a public policy which provides all of the components of a statewide system for providing early intervention services to all eligible infants and toddlers.

Fourth Year: The state must demonstrate that it has in effect a statewide system for providing early intervention services. The state must also provide for all eligible children the following: multidisciplinary assessments, individualized family service plans, and case management services.

Fifth Year and All Succeeding Years: The state must make available to all eligible handicapped infants and toddlers within the state appropriate early intervention services.

What constitutes a state-wide system?

A state-wide system must have the following components:

- A definition of the term "developmentally delayed" to be used by the state.
- Availability of a multidisciplinary evaluation for each handicapped infant and toddler.
- Availability of an individualized family service plan (IFSP) for each handicapped infant and toddler.
- Maintenance of a comprehensive child find system.
- Maintenance of a public awareness program focusing on early identification.
- Maintenance of a central directory of services, resources, and experts available in the state.
- Maintenance of a comprehensive system of personnel development and appropriate standards for qualified personnel.
- Maintenance of a single line of responsibility (lead agency) for general administration, supervision and monitoring of programs and activities, interagency agreements.
- Maintenance of a policy pertaining to contracting with service providers.
- Maintenance of a procedure for timely reimbursement from agencies responsible for payment.
- Maintenance of procedural safeguards for parents and guardians.
- Maintenance of a data collection system.

What services must be provided?

Early intervention services must include, for each eligible child, a multidisciplinary assessment and a written Individualized Family Service Plan (IFSP) developed by a multidiscipli-

nary team and the parents. Services must be designed to meet developmental needs and may include special education, speech and language pathology and audiology, occupational therapy, physical therapy, psychological services, parent and family training and counseling services, transition services, medical services for diagnostic purposes, and health services necessary to enable the child to benefit from other early intervention services. Case management services must be provided for every eligible child and his/her parents. Provision of all services must be by qualified personnel, and the state must have a system for the establishment and maintenance of standards, certification, and licensing policies. All early intervention services must be provided at no cost to parents except where federal or state law provides for a system of payments by parents, including provision for a schedule of sliding fees.

Is the Individual Family Service Plan (IFSP) similar to an IEP?

Yes, except the plan must address the needs of both the child and the family. The IFSP must contain: (a) a statement of the child's present levels of development (cognitive, speech/language, psychosocial, motor, and self help); (b) a statement of the family's strengths and needs relating to enhancing the child's development; (c) a statement of major outcomes expected to be achieved for the child and family; (d) the criteria, procedures, and timelines for determining progress; (e) the specific early intervention services necessary to meet the unique needs of the child and family including the method, frequency, and intensity of service; (f) the projected dates for the initiation of services and expected duration; (g) the name of the case manager; and (h) procedures for transition from early intervention into the preschool program. The IFSP must be evaluated at least once a year, and must be reviewed every six months or more often where appropriate.

Are there restrictions on the use of the federal funds for the early intervention program?

Federal funds under this program are to be used for the planning, development, and implementation of the statewide system for provision of early intervention services. Funds may also be used for the general expansion and improvement of services. However, in the provision of actual direct program services, federal funds under this program shall be the "payor of last resort," i.e., EHA funds may not be used when there are other appropriate resources which can be used or are being used, whether public or private, whether federal, state, or local. This provision emphasizes the critical importance of achieving efficient and effective interagency participation in each state.

OTHER PROVISIONS OF P.L. 99-457

Is interagency cooperation mandated?

P.L. 99-457 contains critical amendments to P.L. 94-142 (EHA, Part B) aimed at strengthening interagency cooperation under P.L. 94-142. While the state education agency is ultimately accountable, multiple agencies are expected to pay for services. The committee report cites health, welfare, and other social service agencies, along with educational agencies. These amendments include:

- A requirement that the financial responsibilities of each agency be defined in the state plan.
- Procedures for resolving interagency disputes, including procedures under which local education agencies may initiate proceedings in order to secure reimbursement from other agencies.
- Prohibition against reduction in fiscal contributions under certain other federal programs (including Medicaid).
- Nonsupplanting provisions enlarged to include noneducational resources.

Are provisions for special populations specifically mandated?

The committee report emphasizes support under all of the EHA discretionary programs (EHA, Parts C through H) toward the improvement of programs and services for minority handicapped children and youth. P.L. 99-457 also amends the evaluation section of the EHA (Sec. 618) to require that the annual report to the Congress in calendar year 1989 include special sections addressing the provision of a free appropriate public education in rural areas and to migrants, children and youth of limited English proficiency, American Indians, Native Hawaiians, and other native Pacific basin children and youth. Further, a minority research institute on language proficiency is authorized.

How does P.L. 99-457 support the unique needs of parents with handicapped children?

P.L. 99-457 places particular emphasis, through amendments to the Part D parent training authority, on meeting the unique training and information needs of parents of handicapped children who are members of groups that have been traditionally underrepresented. Also, priority is given to establishment of new parent centers in unserved areas. Further, centers may train persons who work with parents, including educational personnel.

Are infants and toddlers the only age group addressed in P.L. 99-457?

No, P.L. 99-457 amends the authority for secondary education and transitional services (EHA, Sec. 626) to clarify that programs can serve not only handicapped youth currently in school but also handicapped youth who recently left school. The bill also clarifies the concept of "transition" to denote services that are provided throughout a handicapped student's years in school. The improvement of vocational and life skills is emphasized, and studies of handicapped youth dropouts are ordered. Furthermore, the committee report also cites the need for research focused on certain groups of handicapped children who are "at risk" of school dropout, delinquency, low-achievement, and vocational and interpersonal problems.

RESOURCES FROM THE COUNCIL FOR EXCEPTIONAL CHILDREN

No. 317 **P.L. 99-457 The Next Step Forward for Handicapped Children**

A video training program, developed by The Council for Exceptional Children, to inform educators, advocates, and social service agency workers about the new initiatives supported by federal law.

Learn how services for handicapped children from birth through 5 have been strengthened. Discover how interagency support for special education will enhance the delivery of services. Major emphasis is also on technology, media and materials, the development of a National Clearinghouse for Careers in Education of Handicapped Children and Youth, programs for special populations, regional resource centers, secondary education and transition services, personnel development, and research. The package includes a videocassette, fact sheets, masters for overhead transparencies, copies of the law, and a guide for using the package. 1987. $147.00 (CEC Member Price $125.00).

No. 196 **Public Law 94-142, Section 504, and Public Law 99-457: Understanding What They Are and Are Not**
Joseph Ballard, Bruce A. Ramirez, and Kathy Zantal-Wiener

The newly revised question and answer document reflects the latest amendments to the Education for All Handicapped Children Act including revised definitions, regulations, and federal priorities. Revised 1987. 32pp. 1-9 copies $5.00, 10 copies $25.00, 50 copies $62.50.

No. 323 **1987 Special Education Yearbook**
June B. Jordan and Kathy Zantal-Wiener

An almanac of current public policy, issues, leaders, statistics on children served, employment statistics for U.S. and Canada, directory of human resources at the Department of Education, directories of key Congressional Committees, CEC officers, State Directors of Special Education, State Coordinators of Gifted Programs, and Canadian National and Provincial officials. New features include Special Education Agency and Association addresses, a summary of CEC Division priorities, information from the CEC International Committee, and Federal priorities. This popular resource will also include an update on all the information presented in the 1986 Special Education Yearbook. 1987. Approx. 150pp. CEC/ERIC $15.75 (CEC Member Price $13.40).

No. 316 **1986 Special Education Yearbook**
June B. Jordan and Bruce A. Ramirez, Editors

A comprehensive resource that summarizes current public policy, current issues, leaders in the field, statistical information on children served by disability and program, employment statistics for the U.S. and Canada, organization chart and directory of human resources at the Department of Education, and directories of key Congressional Committees, CEC officers, State Directors of Special Education, State Coordinators of Gifted Programs, and Canadian National and Provincial officials. 1987. 96pp. CEC/ERIC $15.00 (CEC Member Price $12.75).

No. 315 **A Special Educator's Perspective on Interfacing Special and General Education: A Review for Administrators**
David E. Greenburg

Promotes the concept of "shared responsibility" among regular and special educators. The document examines the current models used in mainstreaming and suggests ways teachers, administrators, and other service providers can move toward a single system for managing educational resources on behalf of all students. 1986. 20pp. CEC/ERIC $6.00 (CEC Member Price, $5.10).

No. B704 **Litigation and Special Education**
David P. Prasse, Guest Editor

The primary objective in this special issue of *Exceptional Children* is to provide an overview of recent litigation having significant impact on the discipline of special education. Included are decisions handed down by the Supreme Court as well as lower courts which were viewed as significant because of issues addressed and/or uniqueness of the involved legal questions. 1986. 96pp. *Exceptional Children,* Vol 52, No. 4. $6.50.

No. 306 **Alternative Futures in Special Education**
James J. Gallagher and Bluma B. Weiner, Editors

This document, published in January 1986, provides the research base for the issues facing policy makers in the second half of this decade. Focus is on the following areas: The family with a child who is handicapped, families with mentally retarded members, future directions in early childhood special education, prevention of handicapping conditions, technology in special education, programmatic approach to research in the area of deafness. 1986. 204pp. CEC/ERIC $17.50 (CEC Member Price $14.90).

No. 296 **Progress in the Education of the Handicapped and Analysis of P.L. 98-199, The Education of the Handicapped Act Amendments of 1983**
Frederick J. Weintraub and Bruce Ramirez, Editors

Provides historical reference for the Education of the Handicapped Act Amendments of 1983. Analyzes the amendments highlighting significant differences between P.L. 94-142 and P.L. 98-199. The publication includes a complete citation of the 1983 amendments. 1985. 73pp. CEC/ERIC $6.00 (CEC Member Price $5.10).

No. 277 **Judicial Interpretation of the Education for All Handicapped Children Act.**
H. Rutherford Turnbull III, Esq. and Craig R. Fiedler, Esq.

The report reviews judicial interpretations of the major policy and implementation issues stemming from P.L. 94-142 including: Zero reject, nondiscriminatory evaluation, individualized and appropriate education, least restrictive educational placement, procedural due process, parent participation in decision making. Also includes four hypothetical sample cases. 1984. 28pp. CEC/ERIC $6.00 (CEC Member Price $5.10).

No. 253 **Policy Considerations Related to Early Childhood Special Education**
Barbara J. Smith

Summarizes Federal early childhood special education policy as set out in P.L. 94-142 and Section 504. The major section of the report deals with policy development at the state level including: Defining the population, delineating the scope of services, designating service providers, mandatory vs. voluntary services, and funding. 1982. 24pp. CEC/ERIC $4.00 (CEC Member Price $3.40).

No. 254 **An Appropriate Education for Handicapped Children of Limited English Proficiency**
Leonard Baca and Jim Bransford

Examines the significant issues involved in providing bilingual special education including: Accessibility, resources, costs, personnel preparation, parental and community support, and program evaluation. Also provided are current requirements and policy options. 1982. 25pp. CEC/ERIC $4.00 (CEC Member Price $3.40).

No. 197 **Facilities for Special Education Services: A Guide for Planning New and Renovated Schools**
Allen C. Abend, Michael J. Bednar, Vira J. Froehlinger, and Yale Stenzler

Provides general building design criteria as well as design criteria by special education service. Attention is given to accessibility, special relationships, storage, furniture and equipment, display, surfaces, lighting, acoustics, climate, utilities, fire safety, outdoor play areas, and flexibility. Contains numerous charts and illustrations. 1979. 149pp. $8.00.

COMPUTER SEARCH REPRINT

Computer search reprints are biliographies with abstracts from both the ERIC and ECER (Exceptional Child Education Resources) databases. Price: $10.00 each; $8.50 to CEC Members.

#547 State and Federal Policy in Special Education

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